

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>Comcast of Massachusetts III, Inc.</b>	)	Case No.: <b>1:04-cv-12006-RGS</b>
	)	
<b>Plaintiff</b>	)	<b>PLAINTIFF’S ASSENTED TO MOTION</b>
	)	<b>TO DISMISS PURSUANT TO FED. R.</b>
vs.	)	<b>CIV. PRO. RULE 41(a)(2)</b>
	)	
<b>Robert &amp; Gayle Savy</b>	)	
	)	
<b>Defendant</b>	)	
	)	
	)	

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Now come the Plaintiff, Comcast of Massachusetts III, Inc. (hereinafter “Comcast”), and pursuant to Fed. R. Civ. P. Rule 41(a)(2), it does hereby move this court for an order:

1. Dismissing this Pending Action, with prejudice, including prejudice as to any counts that could have been brought and any counterclaims that could have been brought (there are no counterclaims pending); and
2. With each party bearing its own costs and Attorney's fees.

As grounds for this motion Comcast submits that:

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**Certification pursuant to LR D. Mass 7.1 (A) (2)**

Plaintiff’s counsel certifies that he has contacted Defendants Robert Savy and Gayle Savy in this Action in a good faith attempt to resolve or narrow the issues set forth in this Motion. Based upon this contact, Plaintiff’s Counsel believes the Defendants would assent to this dismissal.

1. The Defendant Gayle Savy has assented to the dismissal of this Action.
2. The Defendant Robert Savy has assented to the dismissal of this Action.

In further support of this motion see the affidavit of Attorney John M. McLaughlin

Respectfully Submitted for the Plaintiff,  
By Its Attorney,

10/30/2006  
Date

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061-0210  
Telephone: (413) 586-0865  
BBO No. 556328

**CERTIFICATE OF SERVICE**

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 30<sup>th</sup> day of October, 2006 copies of the foregoing Motion and Affidavit were mailed first class to:

Robert Savy  
12 Lynch Street  
Peabody, MA 01960

AND

Gayle Savy  
7 Mountain Terrace  
Peabody, MA 01960-6528

/s/ John M. McLaughlin  
John M. McLaughlin, Esq.